

JAMES E. SMYTH II
Nevada Bar No. 6506
Kaempfer Crowell Renshaw Gronauer & Fiorentino
8345 West Sunset Road, Suite 250
Las Vegas, Nevada 89113
Tel: (702) 792-7000
Fax: (702) 796-7181
Website: www.kcnvlaw.com
Email: jsmyth@kcnvlaw.com

RICHARD W. EPSTEIN
HAAS A. HATIC
MYRNA L. MAYSONET
(Admitted Pro Hac Vice)
GREENSPOON MARDER, P.A.
Trade Center South, Suite 2700
100 West Cypress Creek Road
Ft. Lauderdale, Florida 33309
richard.epstein@gmlaw.com
haas.hatic@gmlaw.com
myrna.maysonet@gmlaw.com

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THOMAS DAVIS III, RICK BRUNTON,
LOIS TIGER and EMMANUEL WIEST
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

WESTGATE PLANET HOLLYWOOD LAS
VEGAS, LLC., WESTGATE RESORTS
INC., WESTGATE RESORTS LTD., CFI
SALES & MARKETING, LTD., CFI SALES
& MARKETING, LLC., CFI SALES &
MARKETING, INC., and "John Doe" entities
1 to 25, name and number unknown,

Defendants.

Docket # 2:08-CV-00722-RCJ-PAL

**EMERGENCY JOINT STIPULATION
AND MOTION FOR EXTENSION OF
DISCOVERY DEADLINE BY TWO
WEEKS**

Case No. 08-CV-S-722-RCJ-PAL
Joint Stipulation and Motion
For Extension of Discovery Deadline by Two Weeks

1 Pursuant to LR-6-1 and LR-26-4, the parties jointly request this Court to extend the
2 discovery deadline by two weeks in order to finish certain depositions due to unforeseen
3 circumstances. This stipulation and Motion is timely and supported by a showing of good
4 cause as required by LR-26-4.

5
6 **I. FACTS SUPPORTING THIS MOTION.**

7 1. The current discovery deadline is November 30, 2010. The parties diligently
8 scheduled the two remaining depositions to meet this deadline. However, between the time
9 that they were set and now some unforeseen circumstances have arisen which impact the
10 parties' ability to conduct the deposition on the day scheduled. Specifically, Defendants'
11 counsel has advised Plaintiffs' counsel of the company's financial deteriorating situation. On
12 November 19, 2010, the deposition of the person most knowledgeable regarding the deficiency
13 suits had to be abruptly convened at 3:30 p.m.¹ as he was required to leave to address an
14 emergency request by the company's bankers. This deposition has to be continued but the
15 intervening holiday and other scheduling logistical issues are making the rescheduling of this
16 deposition prior to the November 30, 2010 deadline very difficult and quite expensive.
17

18
19 2. Likewise, Defendants' counsel was advised yesterday, and immediately alerted
20 Plaintiffs' counsel, that David Siegel was advised that he will have to travel on November 30,
21 2010, the day of his current scheduled deposition, in order to attend an emergency financial
22 meeting the following day. Lastly, the parties' counsel will be forced to pay a small fortune in
23 plane tickets to defend depositions on opposite sides of the country which will substantially go
24 down after the Thanksgiving Holiday.
25

26
27

¹ Additionally, because of the new TSA regulations and the holiday traffic, Plaintiffs' counsel also was required to
28 leave earlier than anticipated to catch their return flight after two full day of depositions in which approximately
eight people were deposed.

Case No. 08-CV-S-722-RCJ-PAL
Joint Stipulation and Motion
For Extension of Discovery Deadline by Two Weeks

3. Counsel conferred and believes a two week extension is sufficient to address the unforeseen logistical issues that have unexpectedly arisen and at the same time can save costs. This minimal extension will not have any impact on any of the other deadlines or Orders, including the expert deadline. Instead, it will solely cure the unexpected circumstances addressed above.

4. Therefore, the parties request a two week extension of the discovery deadline.

DATED this 24th day of November 2010.

By: s/Amy Keller
AMY KELLER
(Admitted *Pro Hac Vice*)
Wexler Wallace LLP
55 West Monroe, Suite 3300
Chicago, IL 60603
Phone: 312-589-6283 (direct)
Fax: 312-346-0022
AEK@wexlerwallace.com
Attorneys for Plaintiffs

By: s/Myrna L. Maysonet
RICHARD W. EPSTEIN
(Admitted *pro hac vice*, Florida Bar No.: 0229091)
MYRNA L. MAYSONET
(Admitted *pro hac vice*, Florida Bar No.: 0429650)
Greenspoon Marder, P.A.
201 E. Pine Street, Suite 500
Orlando, FL 32801
Attorneys for Defendants

DATED: November 24, 2010

IT IS SO ORDERED


UNITED STATES DISTRICT COURT/
MAGISTRATE JUDGE